

Message Text

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ACTION ACDA-10

INFO OCT-01 AF-10 ARA-06 EA-07 EUR-12 NEA-10 ISO-00
CIAE-00 INR-07 IO-13 L-03 NSAE-00 NSC-05 EB-08
NRC-05 OES-06 DODE-00 ERDA-05 PM-04 FEA-01 INRE-00
NSCE-00 SS-15 SSO-00 /128 W
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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC NIACT IMMEDIATE 8976

INFO USERDA HQ WASHDC IMMEDIATE

USERDA GERMANTOWN IMMEDIATE

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GENEVA FOR BUCHHEIM

EO 11652: NA (DECONTROL DECEMBER 31, 1977)

TAGS: IAEA, TECH, PARM

SUBJECT: IAEA AD HOC ADVISORY GROUP ON NUCLEAR EXPLOSIONS FOR PEACE-
FUL PURPOSES: WORKING PARTY MEETING APRIL 20, 1977

REF: STATE 85721

BEGIN SUMMARY: US REPS REPORT ON WORKING PARTY DISCUSSIONS
HELD APRIL 20 AND REQUEST INSTRUCTIONS SOONEST RE
ACCEPTABILITY OF CERTAIN WORKING PARTY FORMULATIONS.
END SUMMARY.

1. DOC 23/21 TITLE. THE FOLLOWING REVISED TITLE WAS
ACCEPTED BY WORKING PARTY FOR CONSIDERATION IN PLENARY;
QUOTE SOME ALTERNATIVE INTERNATIONAL LEGAL INSTRUMENTS
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FOR PROVIDING NEPP, IN ACCORDANCE WITH THE NPT AND THE
1975 NPT REV CON FINAL DECLARATION. END QUOTE.

2. DOC 23/13/REV 1, ANNEX II, TITLE. WORKING PARTY
ACCEPTED FOLLOWING TITLE FOR ANNEX II: QUOTE SOME
PRINCIPLES OR MATTERS TO BE CONSIDERED IN FORMULATING
INTERNATIONAL LEGAL INSTRUMENTS FOR PROVIDING NEPP IN

ACCORDANCE WITH THE NPT AND THE 1975 NPT REV CON
FINAL DECLARATION. END QUOTE.

3. PARA 3. (DOC 23/13, ANNEX II) FRG REP SOUGHT TO
ADD TO MATERIAL ACCEPTED FOR THIS PARA ON APRIL 19
(PREVIOUSLY REPORTED) REFERENCES TO MACHINERY FOR
ENSURING NON-DISCRIMINATION IN NEPP SERVICE AND TO AN
AGENCY ROLE IN THIS REGARD. THIS CONCEPT WAS STRONGLY

OPPOSED BY US, UK, AND AUSTRALIAN REPS ON BASIS THAT
THE SEVERAL FORMULATIONS SUGGESTED BY THE FRG INCLUDED
A ROLE FOR THE AGENCY TO MONITOR OR ENFORCE COMPLIANCE
BY NWS'S PARTY TO NPT TO NON-DISCRIMINATION REFERRED TO
IN NPT ART. FIVE. US REP SUGGESTED POSSIBLE
APPROACH TO IMPASSE ALONG FOLLOWING LINES:

(I) A REFERENCE TO THE REMEDIES IMPLICIT IN THE NPT FOR
PARTIES WHO FEEL THEY HAVE BEEN DISCRIMINATED AGAINST
BY OTHER PARTIES AND (II) A PRINCIPLE THAT THE AGENCY
IN ITS ROLE IN ANY NEPP SERVICE MUST BEHAVE IN A NON-
DISCRIMINATORY MANNER IN ACCORDANCE WITH ITS STATUTE.
WORKING PARTY ACCEPTED THIS APPROACH FOR PARA 3 ON
BASIS THAT ADDITIONAL MATERIAL ON THIS SUBJECT WOULD BE
CONSIDERED UNDER PARA 6.

4. PARA 6. FRG REP WAS UNWILLING TO DROP HIS
INSISTENCE ON SOME AGENCY ROLE IN ENFORCING NON-
DISCRIMINATION AND, IN ORDER FOR WORKING PARTY TO MOVE ON,
WILSON PROPOSED FOLLOWING ADDITION TO PARA 6: QUOTE
THIS MIGHT INCLUDE PARTICIPATION IN MACHINERY TO
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IMPLEMENT THE NON-DISCRIMINATION PROVISIONS OF NPT
ART. FIVE. END QUOTE. THIS ADDITION WILL APPEAR IN
PRODUCT OF WORKING PARTY IN SQUARE BRACKETS, MEANING
THAT IT WAS NOT ACCEPTED BY WORKING PARTY BUT IS BEING
SUBMITTED TO GROUP PLENARY TO TRY TO RESOLVE MATTER.
INSTRUCTIONS ARE REQUESTED FOR APRIL 21 SESSION AS TO
ACCEPTABILITY OF THIS QUOTED ADDITION. THE FRG REP
SOUGHT UNSUCCESSFULLY TO CHANGE MIGHT TO SHOULD IN
THIS ADDITION, AND CAN BE EXPECTED TO TRY AGAIN IN
PLENARY, HOPEFULLY WITH SAME RESULT.

5. PARA 7. US REP PROPOSED REFORMULATION ALONG LINES
QUOTE ALL STATES PARTICIPATING IN...END QUOTE.
PURPOSE OF CHANGES, WHICH WERE SUGGESTED BY EGYPTIAN REP
DURING CONSULTATIONS, WERE TO REMOVE AMBIGUITY OF
ORIGINAL WORDING AS TO WHICH STATES WOULD ADVISE THE
AGENCY AND TO WHICH STATES WERE "INVOLVED". FOLLOWING
EDITORIAL SUGGESTIONS BY OTHER REPS, WORKING PARTY
ACCEPTED FOLLOWING FORMULATION: QUOTE ALL STATES

PARTICIPATING IN A PROPOSED NEPP PROJECT SHOULD, SEPARATELY OR JOINTLY, ADVISE THE AGENCY AT THE EARLIEST POSSIBLE STAGE, WHETHER SUCH A PROJECT BE ARRANGED THROUGH THE AGENCY OR BY BILATERAL AGREEMENTS. END QUOTE.

6. PARA 8. US REPS PROPOSED FORMULATION PER PARA 5D OF REFTEL. THIS WAS ACCEPTED WITH EDITORIAL CHANGES PROPOSED BY FRG AND SWEDISH REPS. EGYPTIAN REP ASKED ABOUT MATTER OF SUPPLIER STATE GAINING WEAPONS-RELATED INFORMATION AND US REP REPLIED THAT EXISTING AGENCY OBSERVATION GUIDELINES WENT AS FAR AS IT WAS POSSIBLE TO GO IN THIS REGARD. THERE WAS NO DISCUSSION OF JAPANESE PROPOSAL REFERRED TO IN PARA 5E OF REFTEL. AUSTRALIAN REP PROPOSED THAT OBSERVATION GUIDELINES SHOULD COVER ALL NEPP PROJECTS ANYWHERE (REJECTED BY US REP AND ISSUE WAS DROPPED) AND THAT LIMITED OFFICIAL USE

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REFERENCE BY MADE TO REVIEWING GUIDELINES WITH RESPECT TO WEAPONS INFORMATION. THE COMPLETE TEXT OF PARA 8 TO BE SUBMITTED BY WORKING PARTY TO GROUP PLENARY IS: QUOTE ALL INTERNATIONAL PROJECTS INVOLVING THE SUPPLY OF NUCLEAR EXPLOSIONS SERVICES BY PEACEFUL PURPOSES SHOULD BE SUBJECT TO OBSRVATION BY THE AGENCY WHICH SHALL BE GOVERNED BY THE "GUIDELINES FOR INTERNATIONAL OBSERVATION BY THE AGENCY". THESE GUIDELINES SHOULD BE KEPT UNDER REVIEW TO ENSURE THEIR CONTINUED ADEQUACY, PARTICULARLY WITH RELATION TO THE ACQUISITION OF INFORMATION RELEVANT TO THE DEVELOPMENT OR REFINEMENT OF ANY NUCLEAR WEAPON OR THE EFFECTS OF ANY SUCH WEAPON. END QUOTE. US REP DEFERRED RESPONE TO AUSTRALIAN ADDITION UNTIL PLENARY SESSION.US REPS BELIEVE THE AUSTRALIAN ADDITION WOLD BE ACCEPTABLE IF THE SECOND SENTENCE IS REWORDED AS FOLLOWS TO AVOID IMPLICATION THAT THE CURRENT GUIDELINES ARE ADEQUATE WITH RSPECT TO THE ACQUISITION OF THE SPECIFIED INFORMATION: QUOTE IN ORDER TO ENSURE THEIR CONTINUED ADEQUACY, THESE GUIDELINES SHOULD BE KEPT UNDER REVIEW, INCLUDING THEIR RELATION TO THE ACQUISITION, ETC. END QUOTE. INSTRUCTIONS REQUESTED FOR APRIL 21 MEETING.

7. PAA 9. WILSON ASKED IF THE COMPROMISE FORMULATION FROM THE NOVEMBER MEETINGS (QUOTED IN PARA 5F OF REFTEL) WAS ACCEPTABLE. US REP INDICATED ABILITY TO JOIN CONSENSUS. OTHER REPS INDICATED ACCEPTANCE AND WILSON WAS MOVING ON TO NEXT ITEM WHEN GDR AND EGYPTIAN REPS REQUESTED ADDITION OF STATEMENT THAT DEVELOPMENT BY AGENCY OF TECHNICAL RECOMMENDATIONS ON RADIATION AND SEISMIC SAFETY WAS NECESSARY. US REP

STATED THAT JOINING CONSENSUS ON THE COMPROMISE
FORMULATION WAS CONTINGENT ON UNDERSTANDING REACHED IN
NOVEMBER THAT IT WAS A REPLACEMENT FOR AND NOT AN
ADDITION TO ANY STATEMENTS CALLING FOR DEVELOPMENT OF
TECHNICAL RECOMMENDATIONS. UK REP SUPPORTED US. USSR
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REQUESTED FURTHER DISCUSSIONS BE POSTPONED UNTIL PM
SESSION. BEFORE START OF PM SESSION, USSR REP

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ACTION ACDA-10

INFO OCT-01 AF-10 ARA-06 EA-07 EUR-12 NEA-10 SSO-00
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INRE-00 NSCE-00 SS-15 /128 W

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ACDA FOR DAVIES, GRAHAM; ERDA FOR DUFF/ISA, BRUSH/OGC;
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IN PRIVATE WITH US REP SUPPORTED GDR PROPOSAL, AND
ASKED WHETHER MATTER SHOULD BE DISCUSSED IN WORKING
PARTY OR PRIVATELY. US REP SUGGESTED PRIVATE DISCUSSION.
AFTER WORKING PARTY ADJOURNED, US REPS MET PRIVATELY
WITH USSR, CZECH AND EGYPTIAN REPS TO DISCUSS MATTER
SUBJECT OF INSTRUCTIONS REFTEL PARA 5F. USSR PROPOSED
THAT, IN ADDITION TO LANGUAGE CITED IN THAT INSTRUCTION,

REPORT SHOULD ALSO STATE FOLLOWING LANGUAGE: QUOTE IT IS NECESSARY TO DEVELOP IN THE AGENCY INTERNATIONAL TECHNICAL RECOMMENDATIONS ON RADIATION AND SEISMIC SAFETY OF PNE. END QUOTE. DURING DISCUSSION, USSR AND CZECH REPS WERE PERSUADED BY EGYPTIAN REP TO ACCEPT FOLLOWING TEXT WHICH WOULD BE SUBSTITUTED FOR LANGUAGE OF SECOND SENTENCE, PARA FOUR, PAGE FOUR, DOC. 23/13/REV 1/ADD 1/ REV 1: QUOTE SINCE NO SUCH RECOMMENDATIONS HAVE BEEN LIMITED OFFICIAL USE

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ADOPTED TO DATE, CONSIDERATION SHOULD BE GIVEN TO THE ADOPTION OF SUCH TECHNICAL RECOMMENDATIONS. END QUOTE. US REPS REQUESTED GUIDANCE SOONEST RE ACCEPTABILITY THIS FORMULATION TO USG.

8. PARA 11. DISCUSSION OF THIS PARA WAS DEFERRED BY WILSON PENDING RESOLUTION OF PARA 9.

9. PARA 17. US REP PROPOSED "COULD" WORDING IN FIRST THREE SENTENCES PER PARA 51 OF REFTTEL. AUSTRIALIAN REP STATED PREFERENCE FOR "SHOULD" IN FIRST SENTENCE, BUT OFFERED COMPROMISE OF

"SHOULD PREFERABLY". EGYPTIAN AND FRG REPS STATED THEY WANTED "SHOULD". UK AND SWEDISH REPS INDICATED THEY COULD ACCEPT "SHOULD PREFERABLY". DISCUSSION THEN TURNED TO INCONCLUSIVE AND LENGTHLY DEBATE ON WHAT WAS MEANT BY "SERVICE" VERSUS "SERVICES" (BY AGENCY OR BY STATES), WHETHER REFERENCE SHOULD BE TO SERVICES OR TO ARRANGEMENTS WITH US REPS TRYING AVOID WORKING THAT WOULD IMPLY THAT PROVISION OF NEPP SERVICES WAS BEING RECOMMENDED. FINALLY, WILSON REQUESTED THAT FURTHER DISCUSSION BE DEFERRED UNTIL VARIOUS PROPOSALS WERE AVAILABLE IN WRITING. WHEN DISCUSSION PARA 17 RESUMED, WORKING PARTY ENGAGED IN DETAILED REFORMULATIONS WHICH RESULTED IN ACCEPTANCE OF TWO ALTERNATIVES FOR PLENARY CONSIDERATION IN PLACE OF FIRST SENTENCE PARA 17. BEGIN TEXT OF FIRST ALTERNATIVE: QUOTE ANY 'INTERNATIONAL PNE SERVICE' ESTABLISHED AS ENVISAGED IN THE BOARD OF GOVERNORS' RESOLUTION SHOULD BE OPEN TO ALL STATES. IT IS DESIRABLE THAT ANY SUPPLY OF NUCLEAR EXPLOSION SERVICES FOR PEACEFUL PURPOSES OUTSIDE OF SUCH AN "INTERNATIONAL PNE SERVICE" SHOULD BE SUBJECT TO THE APPROPRIATE INTERNATIONAL OBSERVATION AND PROCEDURES ENVISAGED IN THESE PRINCIPLES. LIMITED OFFICIAL USE

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END QUOTE. END TEXT FIRST AND BEGIN TEXT SECOND
ALTERNATIVE: WUOTE IT WOULD BE PREFERABLE FOR ALL
STATES TO PARTICIPATE IN THE ARRANGEMENTS AND HAVE

ACCESS TO SUCH ARRANGEMENTS AND PROCEDURES WHEN
ESTABLISHED. END QUOTE. FIRST ALTERNATIVE BASED ON
SWEDISH FORMULATION, WHICH EXPRESSED UNIVERSALITY
PREFERRED BY SWEDES CHAIRMAN EXPRESSED INTENTION TO INCLUDE,
IN ANNEX II, DEFINITION OF "INTERNATIONAL PNE SERVICE" TO MAKE CLEAR
THAT IT MEANS INSTITUTIONAL ARRANGEMENTS RATHER THAN PHYSICAL
ACT OR ACTS. AUSTRALIAN DEL ALSO EXPRESSED
ATTRACTION TO FIRST ALTERNATIVE, SUGGESTING THAT IF THIS
ADOPTED IN PLENARY IT BE MOVED NEAR TO FRONT OF
PRINCIPLES DOCUMENT, AND NOTED HIS DEL HAD BUT TWO GOALS
IN THIS CONTEXT: UNIVERSALITY OF ACCESS; AND UNIVERSALITY
OF PARTICIPATION IN ESTABLISHMENT. USSR REP QUESTIONED
IF NON-NPT PARTIES WOULD AGREE TO FIRST ALTERNATIVE.
WITH REGARD TO SECOND ALTERNATIVE, USSR SUGGESTED

REPLACING "WHEN ESTABLISHED" WITH INSERTION OF WORD
"EVENTUAL" IN FRONT OF WORD "ARRANGEMENTS". CHAIR
ASKED USSR REP IF HE WAS SURE ARRANGEMENTS WOULD BE
ESTABLISHED, AND USSRE REP REPLIED, "THAT'S WHY WE'RE
HERE". HOWEVER, USSR REP THEN DROPPED THIS SUGGESTION
FOR CHANGE. ACTION REQUESTED: GUIDANCE SOONEST RE
ACCEPTABILITY TO USG OF EITHER OR BOTH TEXTS
QUOTED ABOVE. DISCUSSION BALANCE PARA 17 WILL RESUME
APRIL 21.

10. WITH REGARD PARA 13, DOC. 23/13/REV 1, ANNEX II,
US REPS INTRODUCED CHANGE SUBJECT OF INSTRUCTIN REFTTEL
PARA 5H WHICH WAS ACCEPTED BY WORKING PARTY AS ADDITIONAL
CHANGE TO THAT REPORTED SEPTTEL. TEXT FOLLOWS OF NEW
FORMULATION INTRODUCTORY CLAUSE THIS PAAA: QUOTE
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SUBJECT TO THE PRINCIPLES LISTED IN THIS DOCUMENT...
END QUOTE.

1. PARA 18. DURING CONSULTATIONS US REPS HAD PROPOSED
FORMULATIONS IN PARA 5J IN REFTTEL AND THERE WAS ENOUGH
SUPPORT TO ENCOURAGE US REPS TO PROPOESE THIS IN
THE WORKING PARTY. AS RESULT OF WILSON'S URGING
DURING CONSULTATIONS TO KEEP FORMULATION AS CLOSE AS
POSSIBLE TO EXISTING FORMULATION, US REP PROPOSED
FOLLOWING: QUOTE IN CIRCUMSTANCES WHERE MORE THAN ONE

SUPPLIER NWS HAS INDICATED THAT IS IS PREPARED TO PROVIDE THE EXPLOSION SERVICES, NNWS SHOULD HAVE THE RIGHT TO CHOOSE THE SUPPLIER STATE WITH WHICH THEY WISH TO CO-OPERATE. END QUOE. WILSON AND UK REPS OBJECTED TO ADDITION OF WORD "SUPPLIER" BEFORE NWS SINCE IT WAS NEW TERMINOLOGY FOR DOCUMENT. US REP EXPLAINED IT WAS THE PHRASE USED IN THE GUIDELINES FOR OBSERVATION AND THAT IF WORD "SUPPLIER" WERE NOT INCLUDED IN BEGINNING PART OF SENTENCE, THEN THE PHRASE "SUPPLIER STATE" AT END OF SENTENCE SHOULD BE REPLACED BY "NWS". THIS WAS ACCEPTED BY WORKING PARTY.

12. PARA 19. US REP SUGGESED THAT WORD "STANDARDS" BE REPLACED BY "TECHNICAL RECOMMENDATION". THIS WAS ACCEPTED BY WORKING PARTY ON BASIS THAT LATTER WILL BE TERM USED IN PARA 9 WHEN AGREEMENT ON IT IS REACHED.

13 PARA 7, ANNEX I. ADDITION PROPOSED BY FRG FOR THIS (FIRST PARA, PAGE 2, DOC. 23/13/REV1/ADD 1/ REV 1), WAS REWRITTEN BY FRG IN VIEW US REPS PREVIOUSLY REPORTED STATEMENT PER INSTRUCTINS REFTEL PARA 4C. FOLLOWING FURTHER DISCUSSION, FOLLOWING TEXT ACCEPTED BY WORKING PARTY FOR PLENARY CONSIDERATION: QUOTE FURTHERMORE THE NPT REVIEW CONFERENCE RECORDED THE VIEW EXPRESSED BY A NUMBER OF STAES THAT THEIR UNDERSTANDING AT THAT TIME WAS THAT "A POTENTIAL SOURCE LIMITED OFFICIAL USE

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OF ENERGY INVOLVING NUCLEAR REACTIONS INITIATED IN MILLIMETER-SIZED PELLETS OF FISSIONABLE AND/OR FUSIONABLE MATERIAL BY LASERS OR BY ENERGETIC BEAMS OF PARTICLES, IN WHICH THE ENGERY RELEASES, WHILE EXTREMELY RAPID, ARE DESIGNED TO BE, AND WILL BE NON-DESTRUCTIVELY CONTAINED WITHIN A SUITABLE VESSEL...DOES NOT CONSTITUTE A NUCLEAR EXPLOSIVE DEVICE WITHIN THE MEANING OF THE NPT". THIS VIEW WAS RESTATED DURING THE 481ST MEETING OF THE BOARD OF GOVERNOS. END QUOTE. US REPS REQUEST GUIDANCE SOONEST RE ACCEPTABILITY THIS FORMULATION TO USG.

14. DOC. 23/13, ANNEX III. WORKING PARTY AGREED TO DELETE THIS ANNEX. STONE

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Message Attributes

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